/355 cont./

175 423 691 This new element will have made the analysis progress. It results from written testimony, and by no means from hypotheses more or less subject to caution. It reveals, in the comings and goings of the man, due to the difficulties of the times, a constancy that attaches it to a ground, and is not without aspects of a magico-religious order. This bond can survive the most violent vicissitudes. On the condition, undoubtedly, that the name survives. [103] The primacy and the extreme conservation /356/ of toponyms in this part of the Atlas are perhaps the reason that this persistent legitimacy can be observed here to a degree unequaled, it seems, in the rest of North Africa.

The last of these acts also supplies an important element. It is seen here that the equilibrium between the group and the ground may undergo modifications because of the intervention of the group. [613] Consequently who knows if the patrimonial representation of the ikhs-s in the quarters does not reflect deliberate initiatives and, in short, measures of application of the first law?

425 However that may be, permanence and agitations of the landed life are fashioned according to figures that it will not be from an overly systematic logic to call tied between them. Now [436] the instrument of the exchanges here is money: that which is amassed on the spot and that which is fetched from the outside. This is the double aspect of a monetarism that forms the unity among the so-called contradictory, and at the very least contrasting, aspects of the milieu. How these different economic or moral factors are ordered is what we are now going to try to elucidate.

Patrimonial Legitimacy Versus Possession

428 And first of all the notion of patrimony exists in this society. The law, like the mores, expressly refers to it. This is the ddment [192] (1).

1. From the Arabic ad-dimna, plur. diman, "place smoked by the proximity of the

175 /377 cont./
634 compose, there is no longer any recourse against it. If they do
554 not come to an agreement, their imâm shall have the power to
681 increase or diminish (the rate of the composition)." The act coupled to this consultation, and which is contemporaneous, mentions the division of an inçâf between the anflus (sic) of Tinwalin and Tamt'ddit and their jemâa-s.

681 In fact, this penal law is matched by a fiscal organization,
[693] which sustains it. According to a principle that has not yet been entirely abandoned in modern finance, the magistrate, and more frequently the "verbalisateur" /verbalizer, one who draws up an official report/, as we would say, benefits from the fine
624 imposed, or seizes the object of the offense. Such is also, as has been seen, the retribution of the guardians of agricultural ban or imchchurd'a, whose name, formed from the Arabic root expressing the convention with /378/ clauses, clearly marks its character. But there is a great difference between this conduct
[689] and that of the moqaddem. The collectivity imposes interdiction on such-and-such a pasturage or such-and-such an orchard. Transgression authorizes, on the part of the communal agent, immediate capture: automatic application of a "prelaw," that being mixed with elements of noxal surrender. Such is the amchchard'o, the ancestor of the gamekeeper and village policeman. Much
634 more complex is the role of the moqaddem. If in certain cases
45 he too seems to reward himself from the flagrante delicto or
[554] "good take," most often he collects and keeps accounts of regu-
[651] latory payments, only a portion of which comes back to him. Periodically he must give an accounting. Here is a typical document on this subject. It is, let us say, the end-of-year report of a manager of communal funds. Although drawn up in inadequate form, it can be summed up in columns of figures (1).

[436]
[104]

1. Abbreviations: m, mithqâl; o, uqiyya; mu, mûzûna; uj, wajh; f, fals. These are nominal moneys.